United Nations A/71/352

General Assembly

Distr.: General
23 August 2016

Original: English

Seventy-first session
Item 50 of the provisional agenda*
Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the forty-eighth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, submitted pursuant to General Assembly resolution 70/87.

* A/71/150.

** The present report was submitted after the deadline in order to reflect the most recent developments since the annual mission of the Special Committee to the region in May 2016.

16-14594 (E) 020916

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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Summary

The present report contains information regarding the efforts of the Special Committee to implement its mandate and on the human rights situation in the occupied Arab territories over the past year. The report includes information on consultations with Member States in Geneva in March 2016, followed by a mission to Jordan in May 2016. It addresses the situation of Palestinian detainees, including children in Israeli detention facilities. The report also focuses on the escalation of violence in the West Bank, including East Jerusalem, which began in September 2015, and related concerns of use of excessive force by the Israeli security forces; Israeli policies and practices related to settlement expansion and settler violence in the Occupied Palestinian Territory and the occupied Syrian Golan; demolition of homes and forcible transfer of Palestinians; interference by Israel with international humanitarian assistance; the dire humanitarian situation in Gaza, and the lack of accountability of and lack of faith in the Israeli justice system. The Special Committee further examines issues relating to the exploitation of natural resources in the Occupied Palestinian Territory and the occupied Syrian Golan.

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I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established in 1968 by the General Assembly in its resolution 2443 (XXIII). The Special Committee is currently composed of three Member States: Sri Lanka (Chair), Malaysia and Senegal. In 2016, the Special Committee was represented by three members: the Permanent Representative of Sri Lanka to the United Nations in New York, Amrith Rohan Perera; the Permanent Representative of Malaysia to the United Nations in New York, Ramlan Bin Ibrahim; and the Permanent Representative of Senegal to the United Nations Office at Geneva, Mame Baba Cisse.

II. Mandate

2. The mandate of the Special Committee, as set out in General Assembly resolution 2443 (XXIII) and subsequent resolutions, is to investigate Israeli practices affecting the human rights of the Palestinian people and other Arabs of the occupied territories. The occupied territories are considered those remaining under Israeli occupation since 1967, namely, the occupied Syrian Golan and the Occupied Palestinian Territory, which comprises the West Bank, including East Jerusalem, and the Gaza Strip.

3. The present report is submitted pursuant to General Assembly resolution 70/87, in which the Assembly requested the Special Committee pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the territories, including prisoners and detainees, are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter. The present report covers the period from 11 August 2015 to 29 July 2016.

III. Activities of the Special Committee

A. Consultations with Member States in Geneva

4. The Special Committee held its annual consultations in Geneva on 21-22 March 2016 with Member States concerned with the implementation of General Assembly resolution 70/87. The consultations were held with a view to discussing the most pressing matters to be addressed in the Special Committee's report to the Assembly, and to gather information on recent developments on the political and human rights front. The Special Committee met with the Permanent Observer of the State of Palestine, the Permanent Representatives of Egypt, Jordan, Lebanon, the Syrian Arab Republic and Turkey and the Permanent Observer of the Organization of Islamic Cooperation. The Special Committee also met with the

Deputy High Commissioner for Human Rights, and the outgoing Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. A request to meet with the Permanent Representative of Israel to the United Nations Office at Geneva received no response. The Special Committee also followed the discussions under agenda item 7 of the Human Rights Council, entitled "Human rights situation in Palestine and other occupied Arab territories".

5. During the discussions, representatives of Member States expressed support for the work of the Special Committee, but also expressed concern about the worsening situation in the occupied territories, particularly in relation to the escalation of violence that started in the West Bank, including East Jerusalem, in September 2015. Member States also addressed, as a matter of concern, the lack of cooperation by Israel with human rights mechanisms established by the Human Rights Council, such as the work of the Special Rapporteur, and fact-finding missions or commissions of inquiry on the situation of the Occupied Palestinian Territory, including those of the Special Committee itself. The Permanent Representative of the Syrian Arab Republic reiterated the Government's invitation to the Special Committee to visit Damascus in 2016.

6. Key concerns raised by Member States included: settlement expansion; settler violence; exploitation of natural resources from settlements in the West Bank and Gaza and from the occupied Syrian Golan; the situation of detainees and deplorable conditions in detention centres; the refusal by Israeli security forces to release the dead bodies of Palestinians; administrative detention, including detention of children; excessive use of force and, in many cases, extrajudicial executions; punitive legislation adopted by Israel, for instance that which proposes that Palestinian families of alleged attackers should be deported to Gaza; the demolition of Palestinian homes and the forcible transfer of Bedouin and herder communities in the West Bank, including East Jerusalem; the blockade and lack of reconstruction in Gaza; and the general lack of accountability and remedies that accompanied all these violations.

7. The Special Committee was briefed on the main findings of the reports of the Secretary-General and the High Commissioner for Human Rights on the situation of human rights and settlements in the Occupied Palestinian Territory, which were presented at the thirty-first session of the Human Rights Council in March 2016. The Special Committee was also briefed about the conclusions of the addendum on implementation of the recommendations contained in the reports of the Independent Commission of Inquiry on the 2014 Gaza conflict and of the United Nations Fact-Finding Mission on the Gaza Conflict in 2009.

8. Concerns raised during the consultations helped to inform the Special Committee's annual field mission and were taken into consideration for the present report.

B. Field mission to investigate Israeli practices

9. The Special Committee wrote to the Government of Israel on 28 March 2016 requesting access to the Occupied Palestinian Territory and other Arab territories occupied since 1967. As in previous years, no response to the letter was received from Israel. The Special Committee was therefore unable to hold consultations with

the relevant Israeli authorities, or to gain access to the occupied territories within its mandate.

10. Because of increased insecurity in the region, the Special Committee was unable to visit either the Syrian Arab Republic or Gaza through the Rafah crossing. Instead, it convened meetings with civil society representatives, witnesses, representatives of Bedouin and refugee communities, Palestinian officials and United Nations representatives in Amman between 2 and 5 May 2016. In a few instances, where witnesses were unable to travel to Amman, especially from Gaza because they had been denied travel permits from Israel or from the occupied Syrian Golan, the Special Committee gathered testimony and received briefings by teleconference. The Special Committee expresses its sincere appreciation to all those who provided testimony and briefings on a wide range of issues related to human rights and humanitarian law.

11. On 6 May, at the end of its annual mission, the Special Committee released a press statement.[1] Documentation and other materials submitted to the Committee were carefully examined prior to the preparation of the present report and were archived by the Secretariat. Information contained in the report is primarily based on testimony and submissions received by the Special Committee in May 2016.

IV. Situation of human rights in the Occupied Palestinian Territory

12. Representatives of the United Nations and civil society based in the Occupied Palestinian Territory all expressed concern about the continuing Israeli policy of settlement expansion. The Special Committee was also informed that a combination of State-sanctioned land seizures, retroactive legalization of outposts,[2] demolition of Palestinian homes and livelihood structures, denial of Palestinian building permits, restrictions of movement and access to livelihoods, settler violence and the lack of accountability have all contributed to creating a coercive environment leading to the forcible transfer of Palestinian communities. Testimonies about the facts on the ground heard by the Special Committee in May have subsequently been confirmed by the report of the Middle East Quartet in July 2016, which identified these factors, among others, and raised questions about Israel's long-term intentions.[3] The United Nations Office for the Coordination of Humanitarian Affairs has called the settlements in the Occupied Palestinian Territory a key driver of humanitarian vulnerability. In general, there is a growing perception that the settlement expansion could undermine the prospects for a "two-State solution".

[1] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19926&LangID=E.

[2] Outposts are settlement buildings considered to be illegal under Israeli law. All settlements are considered to be illegal under international law.

[3] The Middle East Quartet (the United Nations, the European Union, the Russian Federation and the United States of America) was established in Madrid in 2002 following the Madrid Peace Conference (1991) to promote mediation efforts with a view to resolving the Israeli-Palestinian conflict (see http://fmep.org/wp/wp-content/uploads/2016/07/Quartet-Report-2016.pdf).

A. Settlement expansion

13. Many examples of continuing illegal settlement expansion and activity in contravention of international law were highlighted in submissions to the Special Committee, particularly in the vicinity of the fast-growing Gush Etzion settlement bloc. In the nearby Palestinian community of Wadi Fukin, Israeli authorities have in recent years reportedly confiscated almost half the village land, including land used for agricultural purposes. According to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the Wadi Fukin community witnessed last year the bulldozing of their land, the destruction of two water wells and the issuance of a stop-work order on a donor-funded football field.

14. The Special Committee was also informed that work began in early 2015 on the first phase of a project to build 218 new settlement units for the expansion of Beitar Illit, an ultra-Orthodox settlement within the Gush Etzion settlement bloc. UNRWA also recorded several incidents of intrusions by armed settlers to the irrigation pools to intimidate Palestinian farmers working on private land. The Special Committee notes a persistent failure by the Israeli authorities to prevent or respond to settler attacks or to hold perpetrators accountable for their actions.

15. It was also emphasized in the submissions that, in early 2016, the Israeli Ministry of Defence announced the resumption of the construction of the separation wall in the part of Al Walaja village located in the Jerusalem municipality area unilaterally declared by Israel. The completion of the separation wall across Al Walaja would completely block off access to Palestinian farmland. Just two weeks before this announcement, it was reported that a tender had been issued by the Israeli Antiquities Authority for the construction of a visitor centre for the recently designated national park, on confiscated land belonging to the Al Walaja community. The Special Committee notes that residents living in the "Jerusalem section" of Al Walaja village have been subjected to multiple demolitions of residential structures and issuance of stop-work orders in 2016.

16. The Special Committee denounces the ongoing expansion of illegal settlement in the Occupied Palestinian Territory. At the time of writing the present report, in July 2016, Israel had issued tenders for 1,093 units in occupied East Jerusalem and the Gilo settlements. This was in addition to the recent advancement of plans for 531 units in Maale Adumim, 19 in Har Homa, 120 in Ramot, and 30 in Pisgat Ze'ev and the advancement of a plan to legalize retroactively an outpost near Ramallah. Israel also announced the issuance of tenders for 42 units in Kiryat Arba. The renewed and accelerated settlement activity has been denounced by the international community as systematically undermining the prospects for a two-State solution.

B. Demolitions and the obstruction of humanitarian assistance

17. Representatives from the United Nations and civil society also gave a comprehensive presentation to the Special Committee on the current trends of demolitions and evictions under Israel's restrictive and discriminatory planning and zoning regime in the occupied West Bank, including East Jerusalem. The unprecedented increase in obstruction of humanitarian assistance to the most vulnerable communities in Area C of the occupied West Bank, often based on their location in strategic priority areas for Israeli settlement expansion, was emphasized.

18. The Special Committee was informed that demolitions and confiscation across the occupied West Bank, including Area C, affected hundreds of Palestinian structures, including shelter, water and sanitation facilities, livelihood-related structures and community assets, in many cases provided by the international donor community, including the European Union.

19. The Special Committee was further informed that, in the first quarter of 2016, Israeli authorities demolished at least 871 homes or livelihood structures in the occupied West Bank, including East Jerusalem. This was reported as an unprecedented number of demolitions in such a short time, and the displacement figures by July 2016 had already exceeded the total number of displaced persons for the whole of 2015.[4] The monthly average number of structures demolished in 2016 in Area C of the occupied West Bank was almost three times higher than in 2015.[5] By July 2016, 981 Palestinians had been displaced from their homes in East Jerusalem and Area C in the occupied West Bank. This figure already exceeded the figure of 688 Palestinians displaced during 2015.

20. In the submissions, it was stressed that the humanitarian impact of these demolitions extended beyond the displacement of the Palestinian communities deprived of their shelter. It frequently destroyed their livelihood, increasing poverty and dependence on humanitarian aid. Children are at particular risk of a severe impact on their psychological well-being, resulting in emotional and behavioural problems that may last for months, with consequences for their educational achievement and school attendance.

21. The Special Committee recalls in this regard that Israel, as the occupying Power, has obligations to administer the Palestinian territory for the benefit of the protected Palestinian population,[6] in compliance with international humanitarian law and international human rights treaties applicable to the State of Israel, including the requirement to treat the protected population humanely at all times.[7] International humanitarian law sets out strict conditions under which the destruction of private property and relocation of the protected population may be lawful, related exclusively to military necessity or the security of the population.[8]

C. Forcible transfer in a coercive environment

22. UNRWA representatives highlighted the plight of some 46 Bedouin communities residing in rural areas of Area C in the occupied West Bank, who are at risk of forcible transfer by the Israeli authorities to three planned "townships" of Al Jabal West, Nweima and Fasayil.

23. The Special Committee heard that these sites were being developed with the express purpose of "regulating Bedouin" and finding a "solution to the population residing in the area of the Adumim Bloc — Western Road No. 1", and "the aim of

[4] See www.ochaopt.org/content/protection-civilians-weekly-report-19-25-july-2016.

[5] On average, 146 structures were demolished per month in Area C in 2016, compared with 55 structures per month in 2015 and 43 structures per month in 2014.

[6] This principle was affirmed in the Declaration of the Conference of High Contracting Parties to the Fourth Geneva Convention (17 December 2014).

[7] See Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, United Nations, *Treaty Series*, vol. 75, No. 973, art. 27.

[8] Ibid., arts. 49 and 53.

settling, permanently, those Bedouin who are there". The overwhelming majority of some 7,500 Bedouin at risk of being transferred are Palestinian refugees. The Special Committee noted that the relocation of Bedouin communities would pave the way for an expansion of illegal settlement construction in the Maale Adumim area on the Jerusalem periphery.

24. The Special Committee was informed that this process of forcible transfer would see pastoralist families forced into an urban environment, leading to a breakdown of their traditional economies and irreversibly damaging their distinct social fabric. The expectation was strongly expressed that the recent finalization of one of the alternative sites would accelerate the execution of pending demolition orders and the gradual relocation of Palestinian Bedouin communities.

25. Recent examples of the actions taken by Israeli authorities over the past year were listed in the submissions, such as multiple demolition and stop-work orders,[9] confiscations, the appointment of a retired brigadier-general of the Israeli Defence Force to act as "liaison" with the Bedouin communities and statements made to families encouraging them to move to the relocation sites.[10]

26. The Special Committee heard testimony from a Bedouin community representative from Abu Nwar[11] about the way his community had been targeted since April 2015 by the Israeli Civil Administration. According to the testimony, on 28 April 2015, the "liaison" official appointed by the Israeli Civil Administration informed the members of his community that they would be scheduled for full relocation, and that 34 families should sign up to the Al Jabal site within one month. The liaison official stressed that the Abu Nwar community would not be allowed by the Israeli Civil Administration to remain in its current location. The community representative indicated that the people rejected the proposal, calling for their right to return to their ancestral lands in the Negev and, pending that return, to remain in Abu Nwar, with planning solutions and services developed through community initiatives.

27. The Special Committee was informed that, despite the rejection by the Abu Nwar community of the proposal, 22 heads of affected households reportedly received a written invitation to a meeting with the Israeli Civil Administration on 22 July 2015 to discuss formally the details of the proposed relocation to the Al Jabal site. The invitations were issued together with 22 stop-work orders for residential structures. The residents did not attend the meeting upon the advice of

[9] Of the 46 Bedouin communities, 44 had a total of 1,281 demolition orders pending as of June 2016. Multiple homes are at risk of demolition in the communities of Abu Nwar and Jabal al Baba (in the controversial E-1 settlement area). Between January and March 2016, the Israeli Civil Administration demolished or confiscated at least 78 homes or livelihood structures of Bedouin communities (including ones financed by international donor-funded assistance) across Area C, causing at least 191 Palestinian Bedouins, including children, to be displaced (source: UNRWA submission to the Special Committee, June 2016).

[10] This is not the first time Bedouin communities have been subjected to transfer initiatives and relocated in connection with Israeli settlement construction or expansion. Between 1997 and 2000, 150 Jahalin Bedouin Palestine refugee families were transferred out of their rural kinship groups in the eastern Jerusalem periphery and concentrated into a single village, Arab al Jahalin.

[11] Abu Nwar is located in the southern part of the E1 Israeli settlement construction project.

their lawyers. In early August 2015, demolition orders were issued for the same 22 residential structures.[12]

28. The Special Committee learned that, on 6 January 2016, the Israeli Civil Administration entered Abu Nwar community and demolished five residential structures, as well as livelihood and other structures, leaving 26 Palestine refugees, including 17 children (4 of them with disabilities) displaced and without a home in the middle of winter. On 10 and 14 January, humanitarian materials donated by the international community as part of the post-demolition response were confiscated by the Israeli Civil Administration. It was reported that Israeli officials who attended the site to carry out the demolitions stated that "the Bedouin have an alternative place to go and they should move there".

29. On 13 January 2016, the a liaison official appointed by the Israeli Civil Administration visited the community and, it was reported, informed one of the affected household members that those moving first would receive two plots of land rather than one. The Special Committee understands that Israeli Civil Administration officials have reportedly denied making any new offers, but acknowledged they encouraged community members to move.

30. On 22 February 2016, the Israeli Civil Administration dismantled and confiscated the Abu Nwar Mixed Primary School and its equipment, funded by international donors, only a day after community members had completed the project. Four days later, two large tents donated by the State of Palestine as temporary classrooms had also been confiscated by the Israeli Civil Administration. According to the testimony, the school had intended to accommodate the 30 children already attending primary school in the kindergarten structures of the community.

31. In addition to the specific case of the Abu Nwar community, the risk of demolitions carried out by the Israeli Civil Administration, settler violence, intimidation and harassment have been identified as factors contributing to an increasingly coercive environment, particularly in Area C of the occupied West Bank.

32. Recent examples from the Khan Al Ahmar cluster of communities presented to the Special Committee included: settler vehicles entering the community school at night, parking their vehicles close to residential structures, shining full headlights onto the structures and throwing stones on the roofs; the use of unmanned drones flown low over the communities; placing community members under continued surveillance, which generates, in women in particular, a feeling of discomfort and shamefulness; and searches of community members' houses and trucks by private security guards from nearby settlements jointly with the Israeli police, in the presence of settlers.

33. The Special Committee notes that dozens of such incidents were reported elsewhere throughout the past year, contributing to an oppressive and "coercive environment" aimed at forcing out Bedouins, including Palestine refugees from

[12] Temporary injunction orders for these 22 demolition orders were secured in September 2015.

these communities, by giving them a "false choice" of either agreeing to relocate or risking becoming homeless.[13]

D. Escalation of violence in the occupied West Bank, including East Jerusalem

34. The Special Committee heard that the wave of violence across the Occupied Palestinian Territory, which began in late September 2015, had claimed the lives of over 100 Palestinians and dozens of Israelis, with many more on both sides affected by injuries.[14] According to the United Nations Office for the Coordination for Humanitarian Affairs, in 2015 there were 137 Palestinian fatalities recorded in the occupied West Bank and 24 in Gaza as a result of use of excessive force by Israeli security forces. On the Israeli side, there were 22 fatalities as a result of attacks by Palestinians in the Occupied Palestinian Territory, and 3 inside Israel. As at 18 July 2016, there were 67 Palestinian fatalities recorded in 2016 in the occupied West Bank and 7 Palestinian fatalities in Gaza caused by Israeli security forces. On the Israeli side, as at the same date, there were six fatalities as a result of Palestinian attacks in the Occupied Palestinian Territory and four fatalities inside Israel.

35. According to submissions made to the Special Committee, many of these incidents involved attacks reported to have been perpetrated by young Palestinians, mostly in the form of stabbings, against Israelis in East Jerusalem and Hebron in the Occupied Palestinian Territory, and in parts of Israel including Tel Aviv. A significant number of killings were also reported to have taken place in the context of clashes between Palestinians and Israeli security forces or security raids into the homes of Palestinians suspected of involvement in these attacks. In many cases, it was noted that the Israeli response may have amounted to excessive use of force, and that some incidents may be categorized as extrajudicial killings.[15]

36. Representations made to the Special Committee indicated that Israel's own military and law enforcement regulations state that live ammunition must be used only under circumstances of real and imminent mortal danger. However, in September 2015, the Israeli Security Cabinet approved the decision that the security forces were allowed to use lethal force "when they face danger to any lives" thereby effectively relaxing the rules of engagement for law enforcement forces. Civil society actors referred to the statement released by the Security Cabinet, which noted that: "until recently police would open fire only when their own lives were in danger. As of now, they will be permitted to open fire — and they will know that they have the right to open fire — when they face danger to any lives".[16] It was emphasized that the new regulations, which are not consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, had led to a dramatic increase in the use of lethal force in unjustifiable circumstances. As of

[13] Forcible transfer in the context of occupation without the free, prior and informed consent of individuals is prohibited as a grave breach of the Geneva Conventions and raises concerns of forced eviction and destruction of private property, contrary to Israel's obligations under international human rights and humanitarian law.

[14] See www.ochaopt.org/content/protection-civilians-weekly-report-12-18-july-2016.

[15] See www.btselem.org/gunfire/20151216_cases_of_unjustified_gunfire_and_executions.

[16] See http://www.pmo.gov.il/English/MediaCenter/Spokesman/Pages/spokeJerusalem240915.aspx.

the time of writing of the present report, the Israeli police had not published their full open-fire regulations, despite requests from non-governmental organizations.

37. The Special Committee viewed a number of videos of excessive use of force and cases of possible extrajudicial executions, including that of a Palestinian man, Abd al-Fatah al-Sharif, on 24 March 2016 in the occupied West Bank. The Committee was informed that, in this case, two Palestinian men, one of whom was Abd al-Fatah al-Sharif, allegedly stabbed and wounded an Israeli soldier at a checkpoint in the Israeli-controlled area of Hebron. Both were shot and killed during the attack.

38. In the video footage, Mr. al-Sharif was shown lying injured but still alive on the ground. Medical staff attended to the wounded soldier, who was driven away in an ambulance, but did not offer any medical assistance to Mr. al-Sharif. An Israeli soldier then shot Mr. al-Sharif in the head, killing him almost instantly as he lay on the ground, posing no apparent threat. The Special Committee was disturbed that none of the Israeli medical personnel or security forces at the scene paid any attention to the wounded man while he was still alive.

39. The Special Committee notes that the Israeli authorities subsequently launched an investigation into this case, detained the soldier involved in the shooting, and charged him with manslaughter. However, as of July 2016, this exceptional case was still in progress, with no conviction. In a number of submissions, concerns were expressed that the majority of similar incidents were not systematically investigated, leading to a general and persistent lack of accountability that continued to fuel the violence.[17] The Commission of Detainees and Ex-Detainees Affairs reported at least 17 separate cases of alleged extrajudicial executions carried out by Israeli security forces since October 2015.

E. Impact of the escalation of violence on Palestinian communities

40. In its submission, UNRWA noted that it had recorded an increase of 84 per cent in the number of live ammunition injuries from 2014 to 2015 in and around Palestine refugee camps. The situation in and around refugee camps in the occupied West Bank remains tense. Over 55 per cent of the live ammunition injuries in 2015 took place in the last quarter of the year, in two hotspots: the Shufat refugee camp and the Kalandia area. The Special Committee was informed that Palestinians, including children, had often been killed or injured during military incursions into refugee camps and during demonstrations, including many cases in which there was no apparent immediate threat to life.

41. Israel has an obligation to respect and protect the right to life, to comply with rules and standards governing the use of force by law enforcement officials and to investigate instances of excessive use of force by those officials. In cases where the use of force is unavoidable, Israeli security forces must seek to exercise restraint and act in proportion to the seriousness of the offence and the legitimate objective

[17] The Committee Against Torture has stated that Israel should make more vigorous efforts to effectively prevent and sanction incidents of excessive force, including by ensuring that law enforcement and security officials are adequately trained in and comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (see CAT/C/ISR/CO/5, para. 33).

to be achieved, minimize damage or injury, and respect and preserve human life. The Special Committee notes that the use of firearms is permitted only in extremely limited circumstances, namely, in self-defence or defence of others against imminent threat of death or serious injury, and as a measure of last resort. Intentional lethal use of firearms is permitted only when it is strictly unavoidable in order to protect life.

42. The increasing use of tear gas as a method of crowd control in crowded areas and confined spaces, including refugee camps with limited ways of entry and exit, was also brought to the attention of the Special Committee. It is reported that gas canisters are frequently fired into, or fall into, UNRWA installations in camps, including schools, which as United Nations premises should be inviolable. In the first four months of 2016, there were 28 such incidents, with at least 197 tear gas canisters, stun grenades and other ammunition landing in UNRWA installations. One incident led to the hospitalization of a security guard employed by UNRWA.

43. The Special Committee also heard about the negative impact of the Israeli occupation on children's education in the occupied West Bank, including East Jerusalem, as a result of frequent military raids by Israeli security forces inside school premises during classroom hours, the arrest and detention of teachers and students and the intimidating presence of soldiers on roads near schools and at multiple checkpoints along the way to school.

F. Attacks on medical personnel and ambulances

44. Representations made to the Special Committee also highlighted incidents and attacks by Israeli security forces against medical personnel and ambulances in the occupied West Bank and East Jerusalem. Such cases included prohibiting ambulances from reaching Palestinian patients, holding up ambulances transferring Palestinian patients, directly shooting rubber and live bullets at ambulances, physically beating medical personnel and setting up checkpoints near hospitals and restricting access to them. These incidents were reported regularly — at times dozens of times every month — and have resulted in injuries to dozens of medical volunteers.

45. These testimonies were corroborated by a number of examples of video footage showing medical personnel being attacked in plain sight. The Special Committee noted with particular concern cases of Israeli security forces blocking ambulances from reaching injured Palestinians, and at times even attacking Palestinian medical personnel arriving at the scene of an incident to provide first aid. Such actions by Israeli security forces are, prima facie, in contravention of customary international law and the basic principles of the Geneva Conventions.

G. Retrieval of dead bodies

46. The Special Committee heard testimony relating to some 70 dead bodies of Palestinians who were killed in the context of alleged attacks against Israelis in the period since October 2015. These bodies were reportedly held by Israel for many weeks and months because of security concerns, denying the families proper and dignified closure. Many of the bodies had since been returned to the families, but it

was noted that, as of May 2016, the bodies of 18 Palestinians (including an unborn child) continued to be held by Israel (see CAT/C/ISR/CO/5, paras. 42 and 44).

47. It was further alleged that Israeli authorities had prohibited autopsies and that dead bodies were kept in poor and inhumane conditions, stacked on top of one another; this often resulted in bodies being disfigured, sometimes beyond recognition. According to the testimony, Israeli authorities refused the demands of the Palestinian families concerned to investigate the circumstances of the killings.

48. The Special Committee notes that, following the attack by two Palestinians from the occupied West Bank town of Yatta on 8 June 2016, in a shopping mall in Tel Aviv, which killed four Israelis and injured another seven, the practice of withholding dead bodies was reaffirmed by the newly appointed Defence Minister Avigdor Lieberman.[18] Palestinian families continue to be denied the right to conduct final religious rites with dignity.

H. Punitive demolitions

49. It was indicated in the submissions that the Palestinian families of alleged perpetrators of crimes, including Palestine refugee families, continued to face the risk of punitive demolitions since the Israeli Security Cabinet officially reinstated this policy on 14 October 2015.[19]

50. According to the Israeli Information Center for Human Rights in the Occupied Territories (B'tselem), since October 2015 Israel has demolished or sealed 37 homes to punish relatives of Palestinians who attacked Israelis or were suspected of such attacks, leaving 149 people homeless, including 65 children. Dozens more homes were measured in preparation for demolition, leaving 339 people, including 128 children, living under threat.[20] These figures include seven Palestine refugee residences demolished or sealed for punitive reasons in the occupied West Bank. In all seven of those cases, the alleged perpetrator of an attack or offence was either killed on site or held in detention but had not been convicted of an offence.

51. The Special Committee further notes that, while Israel justifies the practice by claiming it deters the commission of crimes targeting Israeli security personnel, civilians and others, the practice of punitive demolitions violates international law, including the prohibition on collective punishment, and must be rescinded.[21] The Special Committee regrets that the Supreme Court of Israel continues routinely to approve demolition orders.

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[18] See "Lieberman orders moratorium on returning attackers' bodies", *The Times of Israel*, 9 June 2016, available from www.timesofisrael.com/liberman-orders-moratorium-on-returning-attackers-bodies.

[19] The practice had been discontinued in 2005 on the recommendation of an Israeli military committee that found it ineffective.

[20] See www.btselem.org/ota?tid=170.

[21] The practice of punitive demolitions contravenes article 33(1) of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which prohibits collective punishment.

I. Lack of faith in the Israeli judicial system

52. Against the backdrop of the lack of systematic investigation into cases of apparent excessive use of force by Israeli security forces in the context of the escalation of violence since September 2015, and the lack of progress made on accountability in relation to the escalation of violence in Gaza in 2014, fears were expressed by numerous civil society organizations about what they described as "the faulty justice system" in Israel, and the dilemma they faced, namely whether or not to approach the existing Israeli justice system, civil or military, for redress.

53. Non-governmental organizations submitted information from their own tracking of criminal complaints submitted by Palestinians,[22] and also referred to the report of the United Nations High Commissioner for Human Rights of 7 March 2016 on implementation of the recommendations contained in the reports of the independent commission of inquiry on the 2014 Gaza conflict and of the United Nations Fact-Finding Mission on the Gaza Conflict (A/HRC/31/40/Add.1).

54. Civil society organizations also indicated in their submissions that they had sent a series of urgent letters to Israeli military and legal authorities, including the Minister of Defence, the Military Advocate General and the Attorney General, urging them to launch investigations into alleged war crimes committed by the Israeli army in Gaza.[23] However, the Special Committee was concerned to hear that the organizations had either not received responses about many cases or had been informed by the Israeli authorities that no investigation would be opened.

55. Civil society organizations stated that the Supreme Court of Israel issued a number of rulings in 2015 that negatively affected the human rights of Palestinians in the Occupied Palestinian Territory, casting further doubt about the accountability and the independence of the judicial system, civil or military, in Israel. It was stressed in the submissions that some decisions taken by the Supreme Court were brief, with no proper reasoning. Some of the examples of Supreme Court rulings presented before the Special Committee as having a negative impact on the human rights situation in the Occupied Palestinian Territory are briefly listed below:[24]

56. **Anti-Boycott Law**: in April 2015, the Supreme Court rejected a petition against the Law Preventing Harm to the State of Israel by Means of Boycott, 2011 ("Anti-Boycott Law"), which allows Israelis to sue individuals and groups who call for economic, cultural or academic boycotts of Israel's West Bank settlements or of Israel itself. It was emphasized that, in this case, the Supreme Court asserted that boycotts amounted to "political terror", ignoring the non-violent and legitimate nature of this act of freedom of expression and the efforts by many to use boycotts to pressure the State to end its military occupation and policies affecting the human rights of Palestinians.[25]

57. **Absentees' Property Law in East Jerusalem**: the Supreme Court approved the Government's policy of applying the Absentees' Property Law of 1950 in occupied East Jerusalem, thereby allowing the State to confiscate the properties of Palestinians in the city if the owners currently live in the West Bank. Israel

[22] See http://mezan.org/en/uploads/upload_center/kiWkMhPrY1Zx.pdf.
[23] See www.adalah.org/en/content/view/8304.
[24] See www.adalah.org/en/content/view/8710.
[25] See www.adalah.org/en/content/view/8525.

"annexed" East Jerusalem following its occupation of the city in 1967, and has since pursued a policy of geographical, social and political separation from the occupied West Bank. It was submitted that the purpose of the confiscations was to facilitate further building of Jewish settlements on occupied territory.[26] The Special Committee raised concerns about this law in its 2015 report to the General Assembly (see A/70/406, paras. 47-49).

58. **Banning higher education for prisoners**: in April 2015, the Supreme Court accepted the position of the General Security Service and dismissed a petition against the ban on Palestinian prisoners, classified as security prisoners by the Israel Prison Service, from pursuing higher education in prison. The Court ruled that the distinction between criminal and security prisoners, the vast majority of the latter being Palestinian, was "legal and legitimate", and that denying education to security prisoners was proportionate and reasonable.[27]

59. **Banning family unification for Palestinians from Gaza**: in June 2015, the Supreme Court dismissed a petition by Hamoked, an Israeli non-governmental organization, against a government decree that ordered the Israeli Interior Ministry not to approve requests for Palestinian family unification in Israel if one of the parents or spouses was from Gaza. The decree treats all civilians from Gaza as a security threat in a sweeping and discriminatory manner, instead of dealing with individuals on a case-by-case basis. The decree also gravely violates the right to family life. The Court justified its decision on the basis that the security conditions in Gaza had not changed, and therefore the Government did not need to change its policy.[28] The Special Committee heard that the Legal Centre for Arab Minority Rights in Israel (ADALAH) had previously argued two petitions before the Supreme Court regarding the constitutionality of the ban on Palestinian family unification in Israel, and that the Court had upheld the ban in 2006, along with new amendments to the Citizenship and Entry into Israel Law (Temporary Provision) in 2012.[29]

60. **Home demolitions as collective punishment**: in November 2015, the Supreme Court rejected a petition to reconsider its decision to allow the Government's policy of demolishing the homes of families of Palestinian individuals who were suspected, accused or convicted of carrying out attacks against Israel or its citizens.[30] Civil society organizations noted that the decision allowed the State to carry out demolitions as a punitive and retaliatory measure, which amounted to collective punishment. Civil society organizations considered the policy to be a severe violation of international humanitarian and criminal law.

Failure of the Israeli military law enforcement system

61. In a major decision, a leading Israeli non-governmental organization, B'tselem, announced in May 2016 that it would no longer file complaints to the

[26] See www.adalah.org/en/content/view/8530.

[27] See www.adalah.org/en/content/view/8528.

[28] See www.hamoked.org/Document.aspx?dID=Updates1501.

[29] See "Adalah case review: the Israeli Supreme Court's decision in the citizenship and family unification law case", *Adalah's Newsletter*, vol. 91 (March 2012). Available from www.adalah.org/uploads/oldfiles/newsletter/eng/mar12/docs/Case%20Review%20Citizenship%20Law%20English.pdf.

[30] In July 2016, the Supreme Court rejected another appeal against the home demolition orders affecting the families of two Palestinians accused of carrying out a deadly attack in Tel Aviv in June 2016.

Israeli military's law enforcement system. B'tselem explained that, since the second intifada in late 2000, it had demanded investigation in 739 cases in which Israeli soldiers killed, injured or beat Palestinians, used them as human shields or damaged their property. According to B'tselem, in around a quarter of these cases (182), no investigation was undertaken, while in half of them (343) the investigation was closed with no further action taken. Charges were brought against implicated soldiers in only 25 cases; another 13 cases were referred to disciplinary action. B'tselem stated that 132 cases were still at various stages of processing, and the Military Advocate General's office was unable to locate 44 complaints.[31]

62. B'tselem reported that, over more than 25 years, it had gathered information on hundreds of cases filed with the military law enforcement system. In addition to the vast amount of information collected to process these cases, B'tselem had received scores of investigation papers from the military police investigation unit. The organization claimed that it has also met with officials of the military law enforcement system numerous times over the years, and corresponded with the Military Advocate General Corps and other military officials. B'tselem argued that it was the sum of this knowledge gained through these interactions that served it as the basis for pointing out the structural failures that, despite the capacity of the Israeli military law enforcement system to process a sizeable caseload, meant that it closed the vast majority of cases without any further action.

63. B'tselem stated that, while changes had been made to the military law enforcement system, they served mostly to reinforce the impression that efforts were being made to get to the truth, and did not resolve the system's substantive problems.

64. In light of the decision of B'tselem and similar views heard from other experienced civil society organizations based on years of interaction and solid data, the Special Committee fears that the separation of powers between the judiciary and executive branches in Israel is increasingly narrowing, potentially affecting the independence of the judiciary and the decisions of the courts in Israel. The Committee is also of the opinion that information received casts doubt on the ability of the domestic accountability mechanisms in Israel to bring any measure of justice to the victims of human rights and humanitarian law violations.

J. Threats and intimidation against human rights defenders

65. The Special Committee was also briefed on the threats and intimidation faced by human rights defenders in the Occupied Palestinian Territory and in Israel. These intimidations and threats have taken different forms, including restrictions on or denial of freedom of movement, threatening phone calls and e-mails, and death threats in extreme cases.

66. In one emblematic case, a Palestinian human rights non-governmental organization in Ramallah, Al-Haq, has been a target of a series of threats of attacks and a smear campaign since September 2015. It was noted that the level of threats against Al-Haq escalated in February 2016, taking the form of threatening anonymous e-mails, hacking of e-mail accounts, anonymous letters and phone calls and Facebook posts.

[31] See www.btselem.org/publications/summaries/201605_occupations_fig_leaf.

67. The Special Committee also noted that anonymous letters had been sent to Al-Haq's European donors, containing allegations against the administration of the organization. It was alleged that the purpose of the threats was to undermine the organization and to convince their partners and donors not to support them.

68. In another case, on 1 November 2015 the Israel Defense Forces declared the area around the headquarters of a Palestinian non-governmental organization, Youth Against Settlements, a closed military zone. The order was renewed regularly until May 2016. It was, however, reported that, in the light of numerous public campaigns for the lifting of the order, it was not renewed in May 2016.

69. It was reported that, for many years, Youth Against Settlements ran the annual "Open Shuhada Street" campaign, with speaking tours in a number of European countries. It was claimed that the international attention the tour received infuriated the Israeli authorities, and that the final event of the campaign, a peaceful protest held on 26 February 2016 in Hebron, was put down violently, despite the peaceful nature of the protest. It was also alleged that a Youth Against Settlements coordinator was arrested on several occasions during these months. The Committee believes that these allegations raise serious concerns about threats and intimidation of human rights defenders working on human rights issues in the Occupied Palestinian Territory.

K. Situation of Palestinian detainees

70. In 2016, Palestinian officials and civil society again drew attention to Israel's detention of thousands of Palestinians, including children, and raised alarm about the steadily increasing numbers of detainees held in 18 prisons, military camps and detention centres inside Israel, in contravention of international humanitarian law. The Committee was informed that, as of April 2016, there were an estimated 7,000 Palestinian detainees, including 450 children and six elected members of the Palestinian Legislative Council. It was noted that an estimated 700 Palestinians were held in administrative detention, including women and children. The overall number of Palestinian detainees in 2016 already exceeds the numbers recorded in 2015 (see A/70/406, paras. 50-57).

71. The Special Committee notes that dozens of Palestinian detainees have again taken to hunger strikes in 2016 to protest Israel's continued practice of administrative detention, notably in solidarity with Bilal Kayed,[32] who had been on hunger strike for over 70 days at the time of writing of the present report. Mr. Kayed has been consuming only water, and it is reported that his health has seriously deteriorated.

72. On a related issue, civil society representatives noted the unsuccessful implementation of the controversial force-feeding bill adopted by the Knesset last year because of the refusal to cooperate by Israeli doctors and the Israel Medical Association.

[32] Bilal Kayed was arrested in 2001 and sentenced to 14.5 years in prison. He was placed in isolation in Rimon prison in September 2015, until his scheduled release on 13 June 2016. The Israeli Government then issued a six-month administrative detention order on the day of his scheduled release.

73. Concerns were also raised in the submissions about punitive measures inside detention centres imposed on Palestinian detainees, such as prevention of family visits, cutting off power and alleged torture and ill-treatment, including the use of police dogs inside prisons, and deliberate medical neglect resulting in deaths among detainees which could have been avoided.

74. The year 2015 reportedly witnessed a remarkable rise in the number of Palestinians detained on the basis of their activities on social media. It was reported that, since October 2015, 150 Palestinians had been detained for the "crime" of posting incendiary comments on Facebook and other media; this raises concerns about restrictions placed by the Israeli authorities on freedom of expression and opinion.[33]

75. Representations from civil society highlighted harmful changes to legislation affecting children, including a penalty for stone-throwing of up to 20 years' imprisonment in certain cases. Concerns were expressed about the Israeli practice of "home detentions", particularly affecting children in East Jerusalem and mostly imposed for alleged stone-throwing offences. In 2015, Israel reportedly issued 60 home detention orders against children, effectively placing them under house arrest and appointing a family member to act as a guardian to enforce the house arrest, limiting the child's ability to pursue education or health care.

L. Human rights situation in Gaza

76. Civil society organizations stressed in their submissions that the continuing land closure and naval blockade by Israel in Gaza, now entering its tenth year, constituted a form of collective punishment of the civilian population that directly contradicted Israel's obligations under international humanitarian law and its responsibilities as the primary duty-bearer to meet the needs of a protected population under occupation.

77. Two years after the most recent devastating conflict, the Special Committee was informed that donor pledges made at the International Conference on Palestine and Reconstructing Gaza in 2014 had not been fulfilled, and that an estimated 85,000 people remained displaced as a result of Israel's destruction of homes.[34] Meanwhile, thousands of children suffer from the psychosocial consequences of experiencing repeated trauma in hostilities.[35]

78. Briefings on Gaza's economic performance all pointed to chronic "de-development" over the past nine years. In 2015, real gross domestic product in Gaza was 20 per cent lower than in 2005, and per capita income was 30 per cent lower compared with the same year. There appear to be no other variables that could explain these developments other than the blockade and the toll taken by recurrent conflicts. Daily power outages of up to 12 hours' duration also continue to affect households, businesses and public services across Gaza. The lack of electricity

[33] See Commission of Detainees and Ex-Detainees Affairs, *War Crimes and Crimes against Humanity toward Palestinian Detainees in Israeli jails* (Ramallah, 2016).

[34] An estimated 500,000 people were displaced at the peak of the conflict (see A/HRC/28/45, para. 14).

[35] There have been three major escalations of hostilities between Israel and Palestinian armed groups in Gaza in seven years: December 2008-January 2009, November 2012 and July-August 2014.

means that families are unable to refrigerate food and wash clothing; children are unable to study in the evenings without light; and businesses, hospitals and water facilities incur tremendous costs to maintain generators.

79. The Special Committee notes that, in the absence of free access to natural end markets in Israel and the occupied West Bank, the private sector in Gaza has been forced to restructure inwards, focusing on non-tradable goods and service activities and transforming the Gaza economy from a productive, export-driven economy to a consumption, demand-driven economy. The Committee was informed that the local economy had stayed afloat through a constant expansion of the public sector which, according to the latest data, today accounts for the largest share of Gaza's gross domestic product. It was stressed in the submissions that Israeli military incursions and the often-violent enforcement of the extensive access-restricted areas along the land and sea borders of Gaza resulted in killings and injuries, as well as confiscation and destruction of boats and fishing equipment. As a result, such Israeli practices continue to prevent the cultivation of significant tracts of fertile agricultural land and severely hamper the livelihoods of thousands of fishermen and their families.

80. Civil society representatives noted that the Gaza reconstruction mechanism brokered by the United Nations resulted in some success in bringing much-needed materials into Gaza, but that Israel's exercise of full control of and restrictions over imports and exports, including Israel's prohibitive "dual-use list",[36] meant that Palestinians living in Gaza could not exercise their right to development. According to civil society organizations, these restrictions have a "chilling effect" on project development. In April 2016, Israel temporarily suspended the import of cement for private projects after it had accused the authorities in Gaza of diverting cement for the construction of underground tunnels built to attack Israel.[37] Some representatives expressed their frustration by calling into question the legitimacy of the Gaza reconstruction mechanism, claiming that "it is only legalizing the blockade" imposed since June 2007.

81. It was noted in the submissions that Gaza's hardship extended to every aspect of life — education, unemployment, gender-based violence, shelter, water and sanitation — and had an impact upon ordinary citizens. The chronic lack of construction materials due to the closures has resulted in over 400 schools running on double shifts to accommodate all students. Early in 2016, unemployment in Gaza stood at 38.4 per cent, with youth and women's unemployment at a staggering 60 per cent and 84 per cent, respectively. The Special Committee also heard concerns about the lack of women's participation in reconstruction committees in Gaza.

82. Civil society representatives noted that there were very few prospects for youth in Gaza of finding a decent job, even with a university degree. Violence against women in Gaza occurred at nearly double the rate in the occupied West Bank. Almost 60 per cent of children in Gaza were reportedly exposed to violence in the home. Concerns were also raised about the rising suicide rate among youth in

[36] Israel's "dual-use list" includes most building materials and basic civilian materials such as wood, welding rods and medical equipment, going well beyond recognized international norms (see www.wassenaar.org).

[37] See "Israel suspends cement deliveries to Gaza's private sector", *The Jerusalem Post*. Available from www.jpost.com/Arab-Israeli-Conflict/Israel-suspends-cement-delivers-to-Gazas-private-sector-450234.

a conservative society where suicide is considered a crime, reflecting the desperation and loss of hope resulting from the blockade and the Israeli occupation.

M. Energy dependence and exploitation of natural resources

83. Officials from the Palestinian Energy Authority and civil society organizations briefed the Committee on the reasons Palestine finds itself in a "state of energy dependence", despite the confirmed presence of natural oil and gas resources in the Occupied Palestinian Territory, notably off the coast of Gaza, but also in the occupied West Bank.[38]

84. In terms of electricity generation, it was noted that the Israel Electric Corporation owns the electricity grid in the West Bank and supplies 95 per cent of its electricity. Similarly, in Gaza two thirds of the electricity supply comes from Israel through feeder lines maintained by the Israel Electric Corporation and the Gaza Electricity Distribution Company. The only power station located inside Gaza operates partly on diesel fuel purchased by the Palestinian Authority from the Israeli Paz oil company refinery based in Ashdod.

85. Palestinian officials once again referred to the 2012 report entitled "Gaza in 2020: A liveable place?", of the United Nations country team in the Occupied Palestinian Territory, and asserted that, should current trends continue, Gaza was getting closer every year to the projections of the United Nations country team that Gaza may no longer be a liveable place by 2020.

86. The Special Committee heard that, while Israel had nearly full control and monopoly over power supplies to the Occupied Palestinian Territory, it had also deliberately denied Palestinians their right to permanent sovereignty over their natural resources and their right to development.

87. One example brought to the attention of the Special Committee was that of the two wells in the Gaza Marine zone drilled in 2000 by British Gas Group under an exploration licence granted by the Palestinian Authority. Notwithstanding the discovery of substantial reserves in the Gaza Marine zone, reportedly estimated at 1.4 trillion cubic feet, the two wells have remained undeveloped and unexploited for over 16 years as a result of Israeli objections to the development of either gas pipelines for export to Egypt, or an onshore processing terminal with a view to supplying gas to Israel.

88. It was further noted that the enforcement by Israeli security forces, often with excessive use of force, of the "access-restricted area" extending 6 nautical miles off the shore of Gaza had not only had a detrimental impact on the livelihoods of Palestinian fishermen and their families, but had also ensured that Palestinian oil and gas resources remained undeveloped. It was recalled by Palestinian officials that past negotiations with Israel to delineate its exclusive maritime economic zone had achieved nothing, as Israel declared "closed areas" to protect its own gas platforms. According to Palestinian officials, Israel had employed similar strategies of preventing Palestinian access to potential oil fields in the occupied West Bank,

[38] Part of the Meged oil fields (estimated 100 million barrels of oil) rests on the Green Line demarcating the Israeli town of Rosh Haayin and the West Bank Palestinian village of Rantis. See Susan Power, *Annexing Energy: Exploiting and Preventing the Development of Oil and Gas in the Occupied Palestinian Territory* (Ramallah, Al Haq, 2015).

namely near the Palestinian village of Rantis (adjacent to the Israeli Meged 5 oil field), through the designation of areas as military training zones and the construction of the separation wall.

89. The Special Committee is aware of recent media reports suggesting that progress has been made in negotiations to lay a pipeline supplying gas from the Leviathan gas fields off the coast of Israel to Gaza.[39] If such a deal is implemented, the Committee is of the view that, notwithstanding the short-term benefits for Palestinians in Gaza, it may further delay the development of Palestine's own natural gas reserves and perpetuate its state of energy dependence. The Committee notes with concern reports that Israel has for years unilaterally exploited offshore natural gas reserves at the Noa and Mari-B fields straddling the border with Palestinian waters at 13 nautical miles from the Gaza coast (through leases to the United States-based company Noble Energy), for its own benefit.

V. Human rights situation in the occupied Syrian Golan

90. Civil society organizations presenting information on issues related to the occupied Syrian Golan raised a number of serious concerns, including Israel's discriminatory and illegal policies towards the Syrian population; the continued deployment of landmines and the presence of Israeli army bases in and around Syrian residential and civilian areas; the construction and expansion of settlements in the occupied Syrian Golan; the forcing of a new curriculum and education system on Syrians; and recent statements by Israel that it exercises sovereignty over the occupied Syrian Golan.[40]

91. Representations were made that discriminatory land, housing and development policies by Israel have meant that existing Syrian residential areas are densely populated, as horizontal expansion on surrounding land has not been allowed by the Israeli authorities. It was mentioned that Israel seeks to expropriate land owned by the Syrian population by declaring it as green areas, vital areas for public benefit or State land, in order to prevent the Syrian population from using it for construction, farming, grazing or other purposes. These policies, it was alleged, not only have an adverse effect on available housing, they also severely inhibit the improvement of road and sewerage systems, the construction of educational, health and cultural institutions and the establishment of infrastructure for industrial areas for the benefit of the Syrian population.

92. Civil society organizations alleged that, for many years now, Israel had used vast areas of land in the occupied Syrian Golan for military training and bases, leaving behind substantial numbers of landmines, which sometimes resulted in the loss of innocent civilian lives. The Committee heard that numerous landmines had been laid in and around Syrian villages under the pretext of security.

93. The Committee heard that, since the occupation of the Syrian Golan, a new curriculum and school system had been forced on the Syrian population. It was alleged that these changes in curriculum sought to "diminish" Syrian identity and

[39] See "The Ministry of National Infrastructure, Energy and Water Resources has authorized the sale of 0.25-0.4 BCM a year", *Globes*, 3 March 2016. Available from www.globes.co.il/en/article-israeli-govt-to-allow-gas-exports-from-leviathan-to-gaza-1001108009.

[40] See http://mfa.gov.il/MFA/PressRoom/2016/Pages/Cabinet-communique-17-April-2016.aspx.

culture as well as the civilization and history of the local community. Furthermore, it was alleged that the Israeli curriculum did not currently facilitate Arab cultural activities and that the Syrian population had little say in how its educational institutions are run and what Syrian children are taught.

94. According to information received by the Committee, Israel continues to explore and exploit natural oil resources from the occupied Syrian Golan through Afek, an Israeli subsidiary of the United States-based company, Genie Energy, as previously reported by the Committee (see A/70/406, para. 25).

VI. Recommendations

95. **The Special Committee calls upon the Government of Israel:**

(a) To implement all prior recommendations contained in the reports of the Special Committee to the General Assembly, and to facilitate access by the Special Committee to enter the Occupied Palestinian Territory;

(b) To end its occupation of the West Bank, including East Jerusalem and Gaza, as well as the occupied Syrian Golan, in compliance with Security Council resolutions 242 (1967) and 497 (1981);

(c) To lift the illegal land and sea blockade imposed on Gaza for the past nine years and open up opportunities for trade and increasing movement of Palestinians between Gaza and the West Bank;

(d) To cease all settlement activity and construction of the separation wall in the occupied West Bank, including East Jerusalem, which contravenes international law and undermines the right of self-determination of the Palestinian people;

(e) To immediately stop demolitions pending the introduction of a planning and zoning regime that fully complies with international law and the rights of the Palestinian people. All Palestinians in Area C, including Palestine refugees, must have access to a fair and participatory planning and zoning system that is designed to advance the interests and address the needs of the protected population;

(f) To take all measures to prevent violence perpetrated by settlers, including attacks or harassment against Palestinians and their property, contributing to the creation of an unsustainable living environment, and ensure that such incidents are investigated and those responsible held accountable for the crimes committed;

(g) To take all necessary precautionary measures to ensure that civilians are not harmed during military incursions into and around Palestine refugee camps, including by planning and conducting such operations in a manner that safeguards human life and the safety of the protected population and ensuring that Israeli security forces act proportionally and with restraint in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(h) To rescind all demolition, eviction and seizure orders that are likely to lead to the forcible transfer of Bedouin communities in the occupied West

Bank, which affects their pastoralist lifestyle, leading to the breakdown of their traditional economies and damaging their distinct social fabric;

(i) To facilitate access to medical treatment for injured Palestinians in the Occupied Palestinian Territory;

(j) To systematically investigate all cases of rampant and excessive use of force that have led to death or serious injury;

(k) To conduct a prompt, thorough, transparent and independent investigation into all cases of alleged extrajudicial executions and ensure that those responsible are brought to justice;

(l) To ensure the protection necessary for the Palestinian civilian population and human rights defenders engaged in the promotion of human rights issues affecting the Occupied Palestinian Territory and allow them to carry out their work freely and without fear of attacks and harassment;

(m) To fully investigate attacks and threats against human rights defenders and ensure that those responsible are held accountable;

(n) To release the bodies of the Palestinians that have not yet been returned to their relatives as soon as possible in order to bring dignified closure in accordance with their religious beliefs and traditions;

(o) To end the practice of punitive demolitions of Palestinian homes in the occupied West Bank and East Jerusalem, which is inhumane, has no deterrent effect and constitutes a form of collective punishment prohibited under international law;

(p) To enable Palestinians and other Arabs to develop and exploit their oil and natural gas reserves, including in offshore locations within the territories occupied since 1967, and halt the exploitation of Palestinian resources.

96. The Special Committee also calls upon the international community:

(a) To ensure that financial pledges made by donor countries in Cairo for the reconstruction of Gaza are honoured and urgently disbursed so that the humanitarian situation is eased;

(b) To use its influence to end the blockade of Gaza, which has a significant detrimental effect on Palestinians;

(c) To review national policies, legislation, regulations and enforcement measures in relation to business activity to ensure that they effectively serve to prevent and address the heightened risk of human rights abuses in conflict-affected areas;

(d) To ensure that corporations respect human rights and cease to fund or enter into commercial transactions with organizations and bodies involved in settlements or exploitation of natural resources in the occupied Palestinian and Syrian territories;

(e) To give effect to its legal obligations, as contained in the 2004 advisory opinion of the International Court of Justice, on the wall;

(f) **To address Israel's long track record of non-cooperation with the United Nations, in particular regarding the implementation of resolutions of the General Assembly and the Security Council and mechanisms established by the Assembly and its subsidiary bodies.**